

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**RECOVERY LIMITED PARTNERSHIP,  
Plaintiff,**

**v.**

**Civil Action No.: 2:87-cv-00363**

**UNIDENTIFIED, WRECKED AND ABANDONED  
SAILING VESSEL, etc.,  
Defendant.**

**MEMORANDUM IN SUPPORT OF MOTION TO FILE UNDER SEAL**

Recovery Limited Partnership (the “Plaintiff” or “RLP”), by counsel, submits this Memorandum in Support of its Motion to seal Exhibit 1, attached hereto. Exhibit 1 is the RLP’s Confidential Status Report. Pursuant to the Court’s directive, RLP was instructed to file, by June 12, 2025, a request for an extension of time to submit a proposed salvage plan. *See* ECF # 344.

There are three requirements for sealing court filings: (1) public notice with opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and reject alternatives to sealing. *Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Even when no party challenges a motion to seal, the Court must still ensure the motion is supported by good cause. *Auburn Univ. v. IBM Corp.*, No. 3:0-cv-694-MEF, unpublished, 2010 WL 3927737 (M.D. Ala. Oct. 4, 2010).

The information contained in Exhibit 1, and its attachments, encompass sensitive commercial information crucial to RLP’s interests. This information, being of a confidential nature, pertains to attorney-client privileged communications, legal strategies, salvage company status, and financing for salvage operations. Additionally, the operational capabilities and projected costs furnished by Green River Marine (“Green River”) are designated confidential to

protect Green River's trade secrets and competitive advantages. Further, this filing discloses proprietary information concerning the wreck site and outlines plans for its further exploration, which will require specialized technical talent and equipment. The salvage operation planning described within is designated as confidential to safeguard RLP's trade secrets and maintain its competitive edge. Moreover, the intricacies of future salvage operations is privileged knowledge exclusively held by RLP and its salvors, who are bound by strict non-disclosure agreements. While any intrusion by third parties at the wreck site would violate the injunction granted by this Court, sealing this information is essential to keeping it out of the hands of third parties and minimizing the risk of a violation.

RLP is contemporaneously filing with this Motion a Notice of Filing under Seal which is the required public notice providing opportunity for objection. RLP submits that, given the commercial interests at stake, there is no "less drastic alternative" to the sealed filing that the Court has ordered.

Accordingly, RLP moves that this Court enter the proposed order attached to the Motion sealing Exhibit 1 to remain sealed in accordance with the terms of the proposed order.

This 12<sup>th</sup> day of June, 2025.

/s/ James L. Chapman, IV

James L. Chapman, IV, Esquire (VS. No. 21983)

K. Barrett Luxhoj, Esquire (VS. No. 86302)

*Counsel for Recovery Limited Partnership*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of June, 2025, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered filers.

/s/ James L. Chapman, IV

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